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REMARKS

Acknowledgment is made of the telephone interview with Examiner Nelson. During the interview, the objection to the drawings for failing to show every feature of the invention specified in the claims was discussed. Counsel agreed to delete "and/or reclining" from claim 12. Further, counsel noted Figures 1, 2, 3 and 5 clearly supported claim language that the back rest was capable of being selectively positioned along the circumference of the seating surface. The specification in paragraph 17, for example, clearly describes the movement of the back rest or back rests on the circumference of the seating surface. It was agreed that if claim 3 were amended to recite the "back rest that can be selectively positioned along the circumference of the seating surface", the objection to the drawing would be withdrawn. This amendment to claim 3 has been made herein. Accordingly, the objection to the drawing should be withdrawn.

The double patenting rejection is improper and should be withdrawn. The claims 8 and 20 are not duplicates of one another since they are dependent upon different claims. Claim 8 is dependent upon claim 21 and claim 20 is dependent upon claim 2, which is dependent upon claim 21.

Claims 3 and 12-14 were rejected on 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. With the present amendments to claims 3 and 12 that were discussed with Examiner Nelson, the rejection has been overcome.

Claims 2-21 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant submits that the claims standing in this application, namely claims 2-22, are definite and do particularly point out and distinctly claim the present invention. With respect to claims 20 and 21, the term "essentially" has been changed to "generally" as suggested by the Examiner. The term "at least one support rest (3, 4)" is considered to be clear and definite in the claim. Turning to Figure 1, for example, it is noted that there are two support rests in the embodiment shown. They are identified by the numerals 3 and 4. The specification indicates there could be only one back rest or there could be more than the two shown in the drawing. Each support rest is formed from a plurality of elements (10) that are connected in an articulated fashion. The term

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"at least one support rest" is considered to be apt and definite. The prior term "direction of adjustment" intended to refer to the direction of movement as shown by the arrows in Figures 2 and 3, for example. Since the Examiner prefers the word "movement", the claim has been so amended.

As afore noted, claim 3 has been amended to recite that the back rest can be selectively positioned along the circumference of the seating surface. Claim 5, line 4 was amended to delete the objectionable word "they". The claim recites "at least five elements" and the term "or seven" has been deleted from the last line of claim 5 and has been incorporated into new claim 22, which is dependent upon claim 5. In claim 7, antecedent basis has been provided for the term "circumferential surface (5)". The term "essentially" in each of claims 8 and 11 was changed to "generally", as suggested by the Examiner. In claims 9 and 10, the term "back rest" was changed to "support rest". Claim 11, as amended, provides antecedent basis for the terms "circumferential contour" and "side face".

Claim 12, as amended, provides antecedent basis for the term "understructure". The term "and/or relining" has been deleted from claim 12, as previously noted.. The rail is the element 12. As for claim 13, the phrase "these carriages being attached to different elements (10) of the back rest" has been deleted.

The word "that" has been added after "back rest (3, 4)" in claims 17 and 18 to overcome the grammatical vagueness noted by the Examiner. The objectionable term "they" has been deleted from line 4 of claim 17. In claim 19, antecedent basis has been provided for the term "the circumferential surface".

Applicant notes that the rejection of claims under 35 U.S.C.102 (b) as being anticipated by Deswick has been withdrawn.

The Examiner indicated that the claims 2-21 included allowable subject matter and an earnest attempt has been made to overcome each of the Examiner's objections. The claims remaining in this application, namely, claims 2-22 are considered to be in condition for allowance. In the event that this application is not considered to be in condition for allowance, the Examiner is requested to contact the undersigned counsel to more expeditiously resolve any

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outstanding issue.

Favorable reconsideration and allowance of this application are solicited.


Respectfully submitted,

Date: December 22, 2009

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